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Attorneys for Receiver  
**THOMAS A. SEAMAN**

UNITED STATES DISTRICT COURT

## NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

## 11 SECURITIES AND EXCHANGE COMMISSION,

Case No. CV12-03237

12 Plaintiff.

**REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF RECEIVER MOTION TO  
APPROVE SALE OF 504/FMLP LOAN  
PORTFOLIO AND NON-SBA LOANS**

14 SMALL BUSINESS CAPITAL CORP.;  
15 MARK FEATHERS; INVESTORS PRIME  
16 FUND, LLC; and SBC PORTFOLIO  
FUND, LLC.

Date: February 5, 2015

Date: February  
Time: 8:30 a.m.

Ctrm: 4, 5th Floor

Judge: Hon. Edward J. Davila

17 || Defendants.

19 Thomas A. Seaman ("Receiver"), the Court-appointed permanent receiver for Small  
20 Business Capital Corp. ("SB Capital"), Investors Prime Fund, LLC ("IPF"), SBC Portfolio  
21 Fund, LLC ("SPF"), and their subsidiaries and affiliates (collectively, "Receivership  
22 Entities"), and Allen Matkins Leck Gamble Mallory & Natsis LLP ("Allen Matkins"),  
23 pursuant to Rule 201 of the Federal Rules of Evidence, request this Court take judicial  
24 notice of the below documents in support of the Receiver's Motion to Approve Sale of  
25 504/FMLP Loan Portfolio and Non-SBA Loans:

26           1. Order Granting Approval of Sale Procedures for Loan Portfolios and 7(a)  
27 License; Authorizing Engagement of Voit Real Estate Services LP as Broker, dated May 9,

1 2014, Docket No. 898 in the matter styled *Securities and Exchange Commission v. Small*  
2 *Business Capital Corp., et al.*, Case No. 5:12-cv-03237-EJD.

3  
4 Dated: December 12, 2014

ALLEN MATKINS LECK GAMBLE  
MALLORY & NATSIS LLP

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6 By: \_\_\_\_\_ /s/ David R. Zaro

7 DAVID R. SARO  
8 Attorneys for Receiver  
9 Thomas A. Seaman

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# **EXHIBIT 1**

**Exhibit 1**

Presently before the Court is Receiver Thomas A. Seaman's Motion for (A) Approval of Sales Procedures for Loan Portfolios and 7(a) License and (B) Authority to Engage Voit Real Estate Services LP as Broker. Having fully reviewed the parties' pleadings and after hearing oral argument, the Court orders as follows:

1. The Motion is GRANTED;
  2. The procedures for the sales of the 7(a) Loans and SBLC Lending License, and the 504 Loans and Non-SBA Loans laid out in the Motion and exhibits thereto are approved;
  3. The requirements of 28 U.S.C. § 2004 are waived for such sales;
  4. The Receiver is authorized to engage Voit Real Estate Services LP (“Voit”) as broker for the sales on the terms and conditions as specified in the Listing Agreement attached as

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1 Exhibit A to the Declaration of Thomas Seaman in Support of the Motion, subject to Court  
2 approval of the final commission to be paid to Voit.

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4 **IT IS SO ORDERED**

5 Dated: May 9, 2014



6 EDWARD J. DAVILA  
7 United States District Judge

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Case No. 5:12-CV-03237-EJD

ORDER GRANTING APPROVAL OF SALE PROCEDURES FOR LOAN PORTFOLIOS AND  
7(a) LICENSE; AUTHORIZING ENGAGEMENT OF VOIT REAL ESTATE SERVICES LP AS  
BROKER

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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

SEC

Case Number: CV12-03237 EJD

Plaintiff,

**CERTIFICATE OF SERVICE**

v.

SMALL BUSINESS CAPITAL CORP. et al,

Defendant.

/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 9, 2014, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Mark Feathers  
1520 Grant Road  
Los Altos, CA 94024

Dated: May 9, 2014

Richard W. Wieking, Clerk  
/s/ By: Elizabeth Garcia, Deputy Clerk

## **PROOF OF SERVICE**

*Securities and Exchange Commission v. Small Business Capital Corp; Mark Feathers, et al.*  
USDC, Northern District of California – San Jose Division – Case No. 5:12-cv-03237-EJD

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 515 S. Figueroa Street, 9th Floor, Los Angeles, California 90071-3398.

A true and correct copy of the foregoing document(s) described below will be served in the manner indicated below:

**REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION OF RECEIVER  
FOR APPROVAL OF SALE OF 504/FMLP LOAN PORTFOLIO AND NON-SBA  
LOANS**

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")** – the above-described document will be served by the Court via NEF. On December 12, 2014, I reviewed the CM/ECF Mailing Info For A Case for this case and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

- **Eric James Adams**  
eric.adams@sba.gov
  - **John Brian Bulgozdy**  
bulgozdyj@sec.gov,LAROFiling@sec.gov,delgadilloj@sec.gov,mitchells@sec.gov,  
berryj@sec.gov,irwinma@sec.gov
  - **California Business Bank**  
rormond@buchalter.com
  - **Lynn Marie Dean**  
deanl@sec.gov,larofiling@sec.gov,mitchells@sec.gov,berryj@sec.gov  
irwinma@sec.gov
  - **Ted Fates**  
tfates@allenmatkins.com,bcrfilings@allenmatkins.com,jbatiste@allenmatkins.com
  - **Susan Frances Hannan**  
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  - **John M. McCoy , III**  
mccoyj@sec.gov
  - **Richard Paul Ormond**  
rormond@buchalter.com,jwright@buchalter.com,clazo@buchalter.com
  - **Lorraine L. Pedowitz**  
lpedowitz@allenmatkins.com
  - **Thomas A. Seaman**  
tom@thomasseaman.com

- 1       • **David Robert Zaro**  
2           dzaro@allenmatkins.com

3. **SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person  
4 or entity served):** On December 12, 2014, I served the following person(s) and/or  
5 entity(ies) in this case by placing a true and correct copy thereof in a sealed envelope(s)  
6 addressed as indicated below. I am readily familiar with this firm's practice of collection  
7 and processing correspondence for mailing. Under that practice it is deposited with the  
U.S. postal service on that same day in the ordinary course of business. I am aware that on  
motion for party served, service is presumed invalid if postal cancellation date or postage  
meter date is more than 1 (one) day after date of deposit for mailing in affidavit.

8       **Pro Se Defendant**

9           **Via Overnight Mail**

10          Mark Feather  
11          1520 Grant Road  
12          Los Altos, CA 94024  
13          650.776.2496 (phone) | 650.961.2382 (fax)  
14          markfeathers@sbcglobal.net

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 12, 2014 at Los Angeles, California.

14           \_\_\_\_\_  
15          /s/ *Martha Diaz*  
16          Martha Diaz